

SENATE BILL

No. 11

Introduced by Senator Maddy

June 26, 1997

An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 11, as introduced, Maddy. Department of Water Resources: appropriation: flood damage repair work.

Under existing law, the Department of Water Resources participates in various flood control and prevention projects. Existing law continuously appropriates money in the Special Fund for Economic Uncertainties, without regard to fiscal years, for specified purposes.

This bill would appropriate \$10,400,000 from the General Fund, and would authorize the Director of Finance to allocate up to \$3,000,000 from the Special Fund for Economic Uncertainties, to the department for the purpose of repairing damage from the January 1997 floods to state or federally constructed or owned flood, sediment, and erosion control projects. The bill would require prescribed federal or local funds received by the department in connection with the repair work undertaken pursuant to these provisions to be deposited in the General Fund. The bill would specify related matters.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The sum of ten million four
2 hundred thousand dollars (\$10,400,000) is hereby
3 appropriated from the General Fund to the Department
4 of Water Resources for restoration and rehabilitation of
5 flood, sediment, and erosion control projects, including
6 deferred maintenance associated costs required by the
7 United States Army Corps of Engineers. All expenditures
8 shall be for the purpose of carrying out flood damage
9 repair projects or nonstructural alternatives, if the
10 nonstructural costs are equal to, or less than, the state's
11 cost of repair, to repair damage from the January 1997
12 flood event to state or federally constructed or owned
13 flood, sediment, and erosion control projects.

14 (b) If the United States Army Corps of Engineers
15 determines that a portion of the repair work has
16 corrected deferred maintenance, the department shall
17 collect the amount of the repair costs allocable to that
18 portion from the local agency responsible for
19 maintenance or, if necessary, take action to establish a
20 state maintenance area under Chapter 4.5 (commencing
21 with Section 12878) of Part 6 of Division 6 of the Water
22 Code for the purpose of recovering its costs.

23 (c) Any amount of federal or local funds, received by
24 the department for the purpose of offsetting
25 expenditures made pursuant to subdivision (a) or (b)
26 prior to or after the encumbrance of funds appropriated
27 pursuant to this section, shall be deposited in the General
28 Fund. No funds appropriated by this section may be used
29 for the purchase of property in connection with the
30 implementation of nonstructural alternatives unless the
31 acquisition is from willing sellers.

32 SEC. 2. (a) The Director of Finance may allocate an
33 amount, not to exceed three million dollars (\$3,000,000),
34 from the Special Fund for Economic Uncertainties, to the
35 Department of Water Resources for restoration and

1 rehabilitation of flood, sediment, and erosion control
2 projects, including deferred maintenance associated
3 costs required by the United States Army Corps of
4 Engineers. All expenditures shall be for the purpose of
5 carrying out flood damage repair projects or
6 nonstructural alternatives, if the nonstructural costs are
7 equal to, or less than, the state's cost of repair, to repair
8 damage from the January 1997 flood event to state or
9 federally constructed or owned flood, sediment, and
10 erosion control projects.

11 (b) Any amount of federal or local funds, received by
12 the department for the purpose of offsetting
13 expenditures made pursuant to subdivision (a) or prior to
14 or after the encumbrance of funds allocated pursuant to
15 this section, shall be deposited in the General Fund. No
16 funds allocated by this section may be used for the
17 purchase of property in connection with the
18 implementation of nonstructural alternatives unless the
19 acquisition is from willing sellers.

20 SEC. 3. This act is an urgency statute necessary for the
21 immediate preservation of the public peace, health, or
22 safety within the meaning of Article IV of the
23 Constitution and shall go into immediate effect. The facts
24 constituting the necessity are:

25 In order to undertake repairs to the vital flood control
26 systems that were damaged during the January 1997
27 floods, thereby protecting human health and safety, it is
28 necessary that this act take effect immediately.

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